

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION NO. 6271 OF 2016
IN FAST/6370/2016

ANNASAHEB JANARDHAN SATAV
VERSUS
RAMDAS JANARDHAN SATAV AND OTHERS

...
Advocate for Applicant : Mr. A. S. Gandhi.
Advocate for Respondent No.3 : Mr. Swapnil S. Rath.
...

CORAM : K.K. SONAWANE, J.

DATED : 05TH DECEMBER, 2017.

Order :-

Heard learned counsel for applicant (original claimant) and respondent No.3. Despite service of notice, none appears for respondents No. 1 and 2.

2. Perused the application. This is an application for condonation of delay of 57 days caused for filing First Appeal against the impugned Judgment and Award passed by the Motor Accident Claims Tribunal, Kopergaon, District Ahmednagar, in Motor Accident Claim Petition No. 85 of 2010 dated 04-08-2015.

3. According to learned counsel for applicant, so-called delay is not intentional or deliberate, but it was caused due to unavoidable circumstances. The matter pertains to the compensation under Section 166 of the Motor Vehicles Act, 1988, arising from the vehicular accident. The Tribunal has dismissed the claim filed on behalf of applicant. Hence, he prayed to condone the delay.

4. In view of aforesaid submission and attending circumstances, it would be justifiable to provide one more opportunity to the applicant to ventilate his grievance before the Appellate Forum for redressal. In case, delay is not condoned, it would cause injustice

or prejudice to the applicant. Therefore, considering the reasons mentioned in the application, there is no impediment to condone the delay in the interest of justice, by adopting liberal and pragmatic approach. Hence, application stands allowed in terms of prayer clause (B). The delay of 57 days caused for filing First Appeal against impugned Judgment and Order passed by the learned Tribunal in Motor Accident Claim Petition No. 85 of 2010 is hereby condoned. Registry to take requisite steps for further process.

5. On registration of appeal, issue notice for admission of the appeal to the respondents, returnable on 16th January, 2018.

6. Mr. Swapnil S. Rathi, learned counsel, waives service of notice for respondent No.3.

7. In addition to regular mode of service, applicant (original claimant) shall serve the notice to respondents No. 1 and 2 privately by fastest legally acceptable mode and file affidavit of service of notice on record with tangible proof to that effect by the returnable date.

8. Meanwhile, call for record and proceedings from the concerned Tribunal.

[K. K. SONAWANE]
JUDGE

rrd.